

REMARKS

Upon entry of the present amendment, claims 1-14 will have been cancelled without prejudice or disclaimer of the subject matter. Additionally, various of claims 15-38 will have been amended. These claim amendments will have been made solely for the purposes of clarity and to enhance the language of the claims without in any way narrowing the scope thereof. Accordingly, no prosecution estoppel should attach to the present amendments.

In view of the herein contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of each of the outstanding objections and rejections set forth in the above-mentioned Official Action together with an indication of the allowability of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicants wish to respectfully thank the Examiner for acknowledging their Claim for Foreign Priority under 35 U.S.C. § 119 as well as for confirming receipt of the certified copies of the priority documents. Applicants further thank the Examiner for indicating that all the certified copies of the priority documents had been received. In this regard, Applicants note that the present application was filed as a national phase of PCT/JP00/03064 (filed August 23, 2000) and thus it is assumed that the certified copies have been forwarded to the U.S. Patent and Trademark Office by the International Bureau.

Additionally, Applicants respectfully thank the Examiner for his consideration of the documents cited in the Information Disclosure Statement filed on July 20, 2001 by his return of the signed and initialed copy of the PTO-1449 Form attached thereto.

Turning to the outstanding Official Action, Applicants note the Examiner's objection to claim 38 as being in improper form because of multiple claim dependencies on claims 36 and 37. Applicants respectfully traverse the Examiner's objection. In this regard, Applicants respectfully direct the Examiner's attention to the Preliminary Amendment filed in the present application concurrently with the filing of the present application, in which claims 2 and 38 were amended. In this regard, claim 38 was amended to eliminate reference to more than one claim. Accordingly, it is respectfully submitted that the Examiner's objection to claim 38 is inappropriate based on the Preliminary Amendment filed in the present application on April 20, 2001. Thus, reconsideration and withdrawal thereof is respectfully requested, in due course.

In the outstanding Official Action, the Examiner rejected claims 1, 3, 5, 6 and 13 under 35 U.S.C. § 102(b) as being anticipated by ITOH et al. (U.S. Patent No. 5,915,234). Claims 2 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over ITOH et al. in view of OJALA et al. (U.S. Patent No. 6,202,045). Claims 7-12 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over OSHIKIRI et al. (U.S. Patent No. 6,704,702) in view of McCREE (U.S. Patent No. 6,470,309).

Since all of claims 1-14 have been cancelled without prejudice or disclaimer, it is respectfully submitted that each of the above-noted rejections have been rendered moot.

The Examiner further rejected claims 15, 24-27 and 36-37 under 35 U.S.C. § 102(b) as being anticipated by HAGGVIST et al. (U.S. Patent No. 5,327,519). Applicants respectfully traverse the above rejection and submit that it is inappropriate.

Applicants invention is directed to a speech encoder comprising a dispersed pulse codebook that generates a vector by convoluting a vector containing one or more non-zero elements, elements other than non-zero elements having a value of zero, and a fixed waveform comprising a dispersion pattern, wherein the dispersed pulse codebook has a configuration different from a configuration of the dispersed pulse codebook of the speech decoder side. Applicants invention is further directed to a speech encoding/decoding system comprising a speech encoder and a speech decoder, each having a dispersed pulse codebook in a configuration different from each other.

It is respectfully submitted that HAGGVIST et al. does not disclose, teach nor render obvious the features recited in Applicants claims.

Contrary to the assertions by the Examiner, HAGGVIST et al.'s pulse pattern codebook does not generate a vector by convoluting a vector containing non-zero elements and a dispersion pattern. Moreover, there is no significant difference in configuration between the pulse pattern codebook of an encoder and a pulse pattern codebook of a decoder according to the teachings of HAGGVIST et al.

Moreover, HAGGVIST et al.'s speech coding system does not include a speech encoder having a dispersed pulse codebook and a speech decoder having a dispersed pulse codebook with a different configuration than the dispersed pulse codebook of the speech encoder. In setting forth the rejection of claims 15 and 27, the Examiner did not particularly address the above-noted recited features of Applicants claims. It is respectfully submitted that HAGGVIST et al. contains no teaching regarding the features recited in Applicants claims 15 and 27 and the claims are patentable thereover.

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Accordingly, should the Examiner choose to maintain the rejection of any of the claims in the present application based upon HAGGVIST et al., the Examiner is respectfully requested to direct Applicants attention to the appropriate portions of HAGGVIST et al. that disclose the features recited in Applicants claims.

Accordingly, in view of the above-noted shortcomings, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection of any of the claims in the present application as being either anticipated by or rendered unpatentable by HAGGVIST et al.

Applicants note with appreciation the Examiner's indication that claims 16-23 and 28-35 are objected to for being dependent upon a rejected base claim but would be allowable if rewritten into independent form including all the limitations of the base claim and any intervening claims. However, in view of the basis set forth above for the patentability of independent claims 15 and 27, Applicants respectfully decline to rewrite these claims into independent form at the present time. Nevertheless, the Examiner's indication of allowable subject matter in these claims is noted with appreciation and thanks.

Accordingly, Applicants respectfully request reconsideration of the outstanding rejection and an indication of the allowability of all the claims in the present application, in due course.

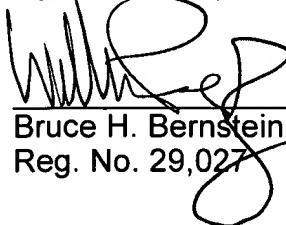
SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have canceled several claims and have amended various of the other claims to enhance the clarity thereof without narrowing the scope of the claims. Applicants have discussed the rejection applied against the pending claims and have pointed out the shortcomings of the disclosures of the reference utilized therein. Applicants have discussed the explicitly recited features of Applicants claims and have pointed out the deficiencies of the cited reference with respect to such recited features. Accordingly, Applicants have provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully request an indication to such effect in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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